

In the Drawings

The Examiner objects to the drawings because Figure 1 is an informal drawing. Figures 1-64 have been amended to replace informal drawings with formal drawings. Replacement Sheets 1-42 containing Figures 1-64 are enclosed. No new matter has been added.

Remarks

This Application has been carefully reviewed in light of the Office Action mailed March 27, 2007. Claims 1-50 are pending in this Application. Although Applicants believe the Claims are allowable without amendment, to expedite issuance of a patent from this Application, Applicants have amended Claims 1, 46, 49, and 50 to clarify inventive concepts previously present in these claims. No new matter has been added. Applicants respectfully request reconsideration and allowance of all pending claims.

The Claims are Definite

The Examiner objects to Claims 1-50 and states: "The independent claims of Applicants' invention state, 'a local job repository installed on each of the at least two nodes and configured to maintain job information on each job submitted to the node where the local job repository,' when it should read 'to the nodes' since it is at least two nodes that are previously mentioned." Applicants respectfully traverse.

Regarding independent Claims 1, 49, and 50 Applicants respectfully submit that these claims particularly point out and distinctly claim subject matter which Applicants regard as their invention and that these claims are sufficient to apprise one of ordinary skill in the art of their scope. Nevertheless, to expedite issuance of a patent from this Application, Applicants have amended Claims 1, 49, and 50 to further clarify that each local job repository is installed on a separate one of the at least two nodes and each local job repository is configured to maintain job information on each job submitted to the node where the local job repository is installed.

Applicants do not believe that any amendment is appropriate to similarly clarify the remaining independent Claims. For example, independent Claims 25 and 45 clearly recite "each node having a local job repository and an enterprise scheduling agent installed thereon."

For at least this reason, Applicants respectfully request reconsideration and withdrawal of this objection.

The Written Description Requirement is Satisfied

The Examiner rejects Claims 1-50 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirements. According to the Examiner, “[t]he claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.” (Office Action, Page 3). Applicants respectfully disagree.

The Examiner attempts to support this rejection by asserting that the Application fails to teach that “there would be at least two nodes that are utilized to perform actions, as opposed to using at least one node, i.e. negatively claiming, the system comprising one node not having the ability to be utilized to perform the actions claimed.” (Office Action, Page 3). However, 35 U.S.C. § 112 does not require each of Applicants’ claims to read on every embodiment disclosed in the specification. Therefore whether the specification provides such teaching or not, there is no requirement that the specification teach that an embodiment having one node would not be able to perform certain actions. Rather, the proper written description analysis for each claim involves “compar[ing] the scope of the claim with the scope of the description to determine whether applicant has demonstrated possession of the claimed invention.” (M.P.E.P. §2163).

The limitation identified by the Examiner includes the phrase “at least two nodes.” Applicants respectfully submit that the original application, as filed, provides sufficient disclosure to demonstrate to one skilled in the relevant art that Applicants possessed the claimed invention at the time the Application was filed. For example, nodes are first introduced in the Field of the Invention as “***multiple*** networked computer platforms (nodes).” (Page 1, *emphasis added*). One object of the invention is described as being “to provide a job scheduling apparatus that provides job scheduling services across ***multiple*** computing platforms.” (Page 2, *emphasis added*). In describing one implementation, the Application explains that “the invention may be implemented across ***multiple*** computing platforms and/or nodes” (Page 11, *emphasis added*). Applicants respectfully submit that the explicit disclosure of an embodiment being implemented across multiple nodes is sufficient to demonstrate possession of an embodiment implemented across “at least two nodes.”

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 1-50.

I. The Claims are Allowable over the Proposed *Barroux-Li* Combination

A. Independent Claims

The Examiner rejects independent Claims 1, 25, 45, 46, 49, and 50 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,182,110 to Barroux (“*Barroux*”) in view of U.S. Patent No. 5,596,750 to Li et al. (“*Li*”). Applicants respectfully disagree.

Barroux discloses a method and apparatus for automatically surveying a network. (Column 1, Lines 5-17). The automatic surveying approach, disclosed in *Barroux*, is contrasted with previous methods which required an individual system administrator to physically visit each and every node on the network and then physically run the system on each node to collect configuration information. (Column 1, Lines 25-36). In describing the inadequacies of these previous methods, *Barroux* discusses the cumbersome and time consuming nature of this non-automated process and points out that the previous methods required the use of skilled labor to perform the task of collecting configuration data at each node. (Column 1, Lines 37-42). *Barroux* attempts to overcome these inadequacies through the use of an automated host computer that can efficiently schedule and launch tasks on a network. (Abstract; Column 1, Lines 50-52; Column 2, Lines 23-25). The host computer, also referred to as integrated resource 200, includes resource engine 208 with task scheduler 302, ProcLoad module 306, and clock process 310. (Figures 2-3; Column 3, Lines 50-54). Integrated resource 200 utilizes task scheduler 302, together with ProcLoad module 306 and clock process 310 to build a schedule of tasks and to launch the scheduled tasks. (Column 4, Lines 47-55). Task scheduler 302 determines when a task is to be performed, generates a schedule for the tasks, and sends a message with the schedule to clock process 310. (Figure 5; Column 6, Lines 27-35). Using the schedule generated by the task scheduler 302, clock process 310 determines when it is time to execute a task. (See Column 6, Lines 42). When clock process 310 determines that it is time to execute a task, clock process 310 sends a message to task scheduler 302. (Column 6, Lines 41-42). Task scheduler 302 then passes the

message on to ProcLoad module 306, which then launches the task identified in the message. (Column 6, Lines 44-59). All of the task scheduling and launching is automated by integrated resource 200, through the use of task scheduler 302, ProcLoad module 306, and clock process 310. Once a task has been automatically scheduled and launched, the task is performed by software packages (e.g., agents 224, 226, and 228) in response to commands by ProcLoad module 306. (*See e.g.*, Column 14, Lines 44-46; Col 12, Lines 8-14).

Li discloses a centralized system for coordinating work flows among a group of people (or users) by scheduling tasks, assigning them to particular users, and distributing messages to the users regarding the assigned tasks. (Figure 1; Column 5, Lines 9-23 and 47-59). This scheduling, assignment, and distribution is performed on the server side by scheduling module 30 and dispatcher 33. (*Id.*). When dispatcher 33 assigns a task, a message is sent to the user, informing him that a task has been assigned. (Column 6, Lines 58-62). The user utilizes task management module 251 on their workstation to manage the incoming messages and the associated tasks. (Column 10, Line 63 - Column 11, Line 17). The user interacts with the workstation and the task management module using an input device, such as a mouse, in connection with a visual user interface 20. (Column 12, Line 55 - Column 13, Line 17). User interface 20 allows the user to participate in and contribute to the assigned tasks. (Column 11, Lines 35-40). The user can either accept the task, or “reject[] a task that he cannot execute.” (Column 6, Line10-13; Column 11, Line 6). If the user decides to accept the task, the user utilizes user interface 20 to identify the assigned task and to perform the task assigned. (Column 10, Lines 42-45; Column 11, Lines 14-15 and 35-40).

1. The proposed *Barroux-Li* combination is improper

Applicants respectfully submit that the combination of *Barroux* with *Li*, as proposed by the Examiner, is improper. As described above, using the system described in *Li*, tasks are performed by individual users who receive task assignment messages from a server. In contrast, the intended purpose of *Barroux* is to overcome the inadequacies of systems like that disclosed in *Li*, which require the use of “skilled labor” to perform tasks at the nodes. *Barroux* attempts to overcome these inadequacies by automating the scheduling and performance of these tasks. (*See* Column 1, Lines 25-42 and 50-52; Column 2, Lines 23-25). Accordingly, the proposed combination of *Barroux* with *Li* would render *Barroux*

unsatisfactory for its intended purpose. “If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” (M.P.E.P. §2143.01, citing *In re Gordon*, 733 F.2d 900 (Fed. Cir. 1984)). Accordingly, *Barroux* actually teaches away from the proposed combination. For at least these reasons, the proposed *Barroux-Li* combination is improper.

2. The proposed *Barroux-Li* combination fails to disclose every element

Moreover, even if *Barroux* could be properly combined with *Li* as proposed by the Examiner, which as shown above it cannot, Applicants respectfully submit that the proposed *Barroux-Li* combination fails to disclose, teach, or suggest each and every element recited in any of the independent claims.

As one example, the proposed *Barroux-Li* combination fails to disclose, teach, or suggest: “*each enterprise scheduling agent installed on a separate one of the at least two nodes and configured to: . . . determine when to execute each job submitted to the node where the local job repository is installed*,” as recited in Claim 1. The Examiner relies on portions of *Barroux* as disclosing this limitation. (Office Action, Page 4). However, *Barroux* discloses that all of the task scheduling occurs within integrated resource 200, through the use of task scheduler 302. Any determination as to when to execute a task is performed by integrated resource 200, which is not installed on each of the nodes. Software agents 224, 226, or 228 merely perform tasks in response to commands from integrated resource 200, after the tasks have been scheduled by integrated resource 200. Thus, *Barroux* fails to disclose “*each enterprise scheduling agent installed on a separate one of the at least two nodes and configured to: . . . determine when to execute each job submitted to the node*,” as recited in Claim 1.

Applicants respectfully submit that the proposed combination of *Barroux* with *Li* fails to overcome these inadequacies. For example, *Li* discloses that, if the user decides to accept the task, the user utilizes user interface 20 to identify the assigned task and to perform the task assigned. Therefore, the user determines when (or if) an assigned task will be performed. Thus, *Li* also fails to disclose “*each enterprise scheduling agent installed on a*

separate one of the at least two nodes and configured to: . . . determine when to execute each job submitted to the node,” as recited in Claim 1. Accordingly, the proposed *Barroux-Li* combination fails to disclose each and every element recited in Claim 1.

As another example, the proposed Barroux-Li combination fails to disclose, teach, or suggest “*each enterprise scheduling agent installed on a separate one of the at least two nodes and each enterprise scheduling agent configured to: . . . launch execution of each job submitted to the node based on the determination,*” as recited in Claim 1. The Examiner relies on portions of *Barroux* as disclosing this limitation. (Office Action, Page 4). However, *Barroux* discloses that all of the task launching occurs within integrated resource 200, through the use of ProcLoad module 306 and clock process 310. Thus, *Barroux* fails to disclose “each enterprise scheduling agent installed on a separate one of the at least two nodes and each enterprise scheduling agent configured to: . . . launch execution of each job submitted to the node based on the determination,” as recited in Claim 1.

Applicants respectfully submit that the proposed combination of *Barroux* with *Li* fails to overcome these inadequacies. For example, *Li* discloses that, if the user decides to accept the task, the user utilizes user interface 20 to identify the assigned task and to perform the task assigned. Therefore, the user selects the task to be performed and performs the task. Thus, *Li* also fails to disclose “each enterprise scheduling agent installed on a separate one of the at least two nodes and each enterprise scheduling agent configured to: . . . launch execution of each job submitted to the node based on the determination,” as recited in Claim 1. Accordingly, the proposed *Barroux-Li* combination fails to disclose each and every element recited in Claim 1.

Independent Claim 1 is allowable for at least these reasons. Independent Claims 25, 45, 46, 49, and 50 are allowable for at least substantially the same reasons as discussed above with respect to Claim 1. For at least these reasons, Applicants respectfully request reconsideration and allowance of independent Claims 1, 25, 45, 46, 49, and 50.

B. Dependent Claims

Dependent Claims 2-24, 26-44, and 47-48 are allowable based on their dependence on the independent claims shown above to be allowable, and further because they recite numerous additional patentable distinctions over the references cited by the Examiner. Because Applicants believe they have amply demonstrated the patentability of the independent claims over the references, and to avoid burdening the record, Applicants have not provided detailed remarks concerning these dependent claims. Applicants, however, reserve the opportunity to provide such remarks if it becomes appropriate to do so. Applicants respectfully request reconsideration and allowance of dependent Claims 2-24, 26-44, and 47-48.

Conclusion

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending claims.

If there are matters that can be discussed by telephone to further the prosecution of this Application, Applicants invite the Examiner to call the undersigned attorney at (214) 953-6581 at the Examiner's convenience.

Applicants believe that no fees are due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants

Luke K. Pedersen
Reg. No. 45,003

Date: 6/27/07

Correspondence Address:

Customer No.

05073